

### **REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-17 will be pending. By this amendment, claims 1 and 9 have been amended.

#### **§102 Rejection of Claims 1 - 15**

On Page 2 of the Office Action, the Examiner has rejected claims 1 - 15 under 35 U.S.C. §102(b) as being unpatentable by Koyama et al. (U.S. Patent 6,011,897; hereinafter referred to as "Koyama"). This rejection is respectfully traversed below.

Claim 1 has been amended and the arguments presented by the Examiner in rejecting claim 1 on pages 1-4 of the Office Action do not appear to apply to amended claim 1. For example, it does not appear that these arguments address how Koyama shows that a reproducing apparatus generates index pictures of the same size from contents data of different formats. In claim 1, the reproducing apparatus can receive contents data having different formats. The reproducing apparatus generates respective index pictures for contents data having different respective formats and those respective index pictures can have the same picture frame size. The reproducing apparatus can then display together the index pictures from different contents data using the same size picture frames. (See, e.g., the Specification of the present application at pages 19-20 and Figs. 6A, 6B, 7A and 7B.) It does not appear that the Examiner's arguments address at least this aspect of amended claim 1.

Accordingly, it does not appear that the Examiner has established how Koyama, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how Koyama shows or suggests amended claim 1 as a whole. Claims 2-8 depend from claim 1, and it is also submitted that the Examiner has not established how Koyama shows or suggests claims 2-8, through their dependence on claim 1. Similar arguments apply to claim 9, and so to claims 10-15 that depend from claim 9.

Based upon the foregoing, it is submitted that claims 1 - 15 are not anticipated by nor rendered obvious by the teachings of Koyama, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1 - 15 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 16 and 17

On Page 5 of the Office Action, the Examiner has rejected claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Koyama et al. in view of Hoshi (U.S. Patent 5,943,102; hereinafter referred to as "Hoshi"). This rejection is respectfully traversed below.

Claim 16 depends from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 16 has also been overcome through the dependence of claim 16 on claim 1.

Claim 17 depends from claim 9. As discussed above, it is submitted that the rejection of claim 9 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 17 has also been overcome through the dependence of claim 17 on claim 9.

Based upon the foregoing, it is submitted that claims 16 and 17 are not anticipated by nor rendered obvious by the teachings of Koyama and Hoshi, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 16 and 17 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-17 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

  
\_\_\_\_\_  
Hans R. Mahr, Reg. No. 46,138 for  
William S. Frommer  
Reg. No. 25,506  
(212) 588-0800